

STATE OF UTAH
COUNTY OF SEVIER
TOWN OF ANNABELLA

Minutes from the Planning Commission meeting held on Monday, August 28, 2023, beginning at 6:00 p.m. in the Annabella Town Council Chambers, located at 295 East 300 North, Annabella, Utah. John Chartier conducted the meeting.

PLANNING COMMISSION

1. ROLL CALL
2. APPROVAL OF MINUTES
3. ROLENE PRICE | BUILDING LOT
4. RICHARD LARMOUTH | LAND USE QUESTIONS
5. DONAVAN ALLEN
6. DISCUSSION ON 270 SOUTH 450 EAST TURNAROUND
7. CHADWICK SHORT-TERM RENTAL APPLICATION
8. ADJOURN

Public in Attendance

Richard Larmouth, Jared Jensen, Taya Jensen, KC & Karrie Ford, Jack & LaRayne Reider

1. ROLL CALL. John Chartier, Kent Poulson, Jacob Olsen, Lenny Hartle, and Kelvin Johns were in attendance. Wade Ingram was excused. Mayor Brent Christensen was also in attendance. Minutes were taken by Jill Anderson.
2. APPROVAL OF MINUTES. Kent Poulson made a motion to approve the July 17, 2023 meeting minutes with a correction. Lenny Hartle seconded the motion. Motion approved unanimously.
3. ROLENE PRICE | PROPERTY SPLIT. Rolene was not in attendance, but the commission discussed the plot map provided. The commission determined that parcel number 2-N1B-68 had enough frontage footage. The secondary water hookup is located on the adjacent property belonging to Shad and Ashley Robertson, so culinary water would be the only hookup available for the lot. The property was approved to become a separate lot.
4. RICHARD LARMOUTH | LAND USE. When asked by John how his personal trials were going Richard claimed that the current economy along with his wife's surgery have made their financial and living situation difficult. John read aloud the requirements that Richard had promised to accomplish on the property in his application letter. Some of the requirements listed were: a breezeway built between the buildings, covering the driveway with stone, pumping the septic tank, moving the trailer to the back of the

property, and attaching a tac shed. John then explained that Richard hadn't complied with the promised requirements as of that date, and also inquired if the renters would be moving out of the house by September 15, 2023, the date agreed upon between the commission and Mr. Larmouth in order to allow Mr. Larmouth to move back into the house. Richard explained that his wife can't climb stairs, so it would be difficult for her to live in the house. John suggested that maybe Richard could take the money that would be required to upgrade the property to allow an accessory apartment, and install a ramp to the house instead. Richard claimed that a person living in the home prior had used a makeshift ramp, ended up falling from it, going to the emergency room and eventually dying later on. John stated that the ramp would need to be ADA (Americans with Disabilities Act) compliant. He then explained that the town would need to enforce the previous requirements unless they choose to give more leniency. Richard then questioned the ordinance requirement of paving the driveway. John explained that the ordinance is to ensure that all accessory apartments in the town meet the upgrade requirements, to ensure the safety of residents and visitors, and also for beautification purposes. Kent agreed, and noted that the renters were supposed to be moved out by September 15th. Richard claimed that he and his wife are comfortable in the outbuilding. He added that the building inspector had visited and approved their living situation. John expressed his concern that the couple would be better off living in the house. He then questioned the commission on how to proceed knowing the accessory apartment is non-conforming. Jacob replied that it is the commission's job to be equitable and equal in how every resident's situation is treated, and that the commission members take their jobs very seriously when considering all applications and situations. He added that the commission is concerned for the safety of Richard and his household in their current living arrangement. Kent stated that the commission would need a new application from Mr. Larmouth for a conforming accessory apartment. He also asked whether the county or town would need to approve the accessory apartment. Jacob responded that the county wouldn't approve it until the town had approved it. Chairman Chartier called for a motion. Jacob made a motion to request Mr. Larmouth to bring a new application for a full accessory apartment. Kent amended the motion to include a due date of the next planning meeting. Jacob suggested to Mr. Larmouth to seriously consider the requirements for an accessory apartment, and if he can't meet them to consider requesting the tenants in his home to move out so he can move into the house. Richard claimed that the driveway was the most difficult problem. He accused the commission of taking too much governmental control. John apologized, but explained that the ordinance currently in place is what needs to be followed. Richard didn't agree with the driveway requirement. John explained that Richard could move out of the outbuilding, or he could fight the ordinance, but trying to change the ordinance could take months. Richard left the meeting. Mayor Christensen commented to the commission that he thought they had done everything they could do for Mr. Larmouth. Jack Reider questioned if the town would be held responsible if someone were to injure themselves on a non-complying ramp similar to what had previously occurred on Richard's property. Jared Jensen commented that standing behind the ordinances for the sake of safety is important.

5. DONOVAN ALLEN. Allen wasn't in attendance, so his request was tabled until a later meeting.

6. TURNAROUND AT 270 S 450 EAST. John asked Kelvin to explain the revised maps of the 270 South 450 East cul-de-sac for those in attendance. Kelvin explained that they had come up with four options, but after further research into drainage problems and septic system locations, they had narrowed the options down to two. Jacob asked if Taya Jensen's and Colton Robins' property would still be compliant as a $\frac{1}{2}$ acre lot if ten feet were deeded for the right of way. Kent commented that if the land in question was deemed an easement (not deeded to the town), it would still belong to Taya and Colton. Jacob read aloud the Utah code for cul-de-sacs. He mentioned they are to be no longer than 400 ft. John commented that the town requires 90 feet, so the commission would try to comply with the town code. Karrie questioned if the town would consider a variance and make the cul-de-sac smaller. Lenny commented that emergency vehicles need a 45-foot turning radius to safely turn around. John mentioned that drainage would be underground, and that the town intends to improve the drainage at the site of the cul-de-sac. The commission and attendees continued to discuss different proposals, including proposals from the residents. Jack proposed a plan to slide the cul-de-sac closer to his property and further from Colton's and Taya's. John was concerned about the slope of the land in that proposal. Discussion continued on tree removal, grading the slope, the effect on neighbor's driveways and drainage. LaRayne Reider asked if it would be more fair if all three neighboring households gave equal amounts of property for the cul-de-sac. John commented that the Ford's would be giving the most. Mrs. Reider stated that the Ford's were aware of the need for the turnaround when they bought the property. She also stated her concerns of paying for multiple surveys. Jacob suggested measuring by hand to get an idea without paying for a survey. He then pulled up the property on Google Maps and water right maps on the t.v. for easier viewing. John asked the commission if they would consider sending the town council the suggested plan to approve. He suggested preliminary staking so the neighbors could see the layout. Mayor Christensen warned that if the neighbors can't come to an agreement, the town would have the right to condemn the needed turnaround property for the safety and convenience of residents and visitors. The cul-de-sac would be designed to best fit the needs of the town.

John thanked all those who attended the meeting. Lenny made a motion to have the chosen design temporarily staked so all parties can see it before a decision is made. Jacob seconded the motion. John entertained any other discussion on the motion. Kent questioned if the property would be only staked, or if there would be elevation plans available to view as well. It was decided that Travis Hansen and Rex Friant would work on the survey and design together. The motion passed unanimously as stated. The neighbors in attendance were excused and left the meeting.

7. CHADWICK SHORT-TERM RENTAL APPLICATION. The address was corrected on the application. Jacob questioned if the primary residence was 1100 square feet. He commented that if the structure meets the square footage requirements, the rest of the requirements appeared to be met. Kent questioned the occupancy allowance. According to the plan provided in the application, the bedrooms equaled 400 square feet, but the written portion of the application stated that the sleeping area equaled 500 square feet. He questioned if the sleeping area should include couches in the family room area. Lenny

agreed that the sleeping area should be rounded to 400 square feet, and in compliance with the ordinance (2 per 100 square feet), an 8-person maximum occupancy be allowed. Kent asked if the garage square footage counted toward living space. Lenny answered that the garage isn't counted in the livable square footage.

In the original building application, the owners had stated that their intent was to build a garage with temporary living quarters and live in it until a home would be built at a later time. The owners had changed their intent to not building a primary residence on the property, only the garage with living quarters. Kent questioned if the owners would still be allowed to build a primary residence on the property at a later date, and still rent the garage apartment. John stated that because the garage meets the square footage requirements of a primary residence that the existing structure needed to be deemed the primary residence and that another primary residence wouldn't be allowed to be built on the property. He stated that the commission would need to be more careful with future building permits, ask more questions and obtain more information before approving. Kelvin agreed that the commission needed to obtain more information for future permits, and cited the 270 South cul-de-sac situation as an example for withholding signing the permit until all needed information is obtained and all involved are in agreement. Kent mentioned the situation on the property previously owned by Nathan Selin (the lot south of Selin's residence) where the new owners built a garage to house their RV, and plan to live in the RV until they build a home or bring in a modular home. The Conditional Use Permit allows for 12 months of living in this arrangement.

John entertained a motion to approve the short term rental. Kent made a motion to approve the rental with limits set at 8 occupancy, and to deem the structure the primary residence on the property because it exceeds the square footage requirement for an accessory apartment. Lenny seconded the motion. The motion passed unanimously.

8. ADJOURN. Meeting adjourned at 7:50 p.m.



Kent Poulson
Planning Commission



Jill Anderson
Planning Commission Secretary